

**EXCERPTS FROM THE
DEPOSITION OF DANIEL FISCHEL
TAKEN MARCH 28, 2022**

1 UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 SAN FRANCISCO DIVISION

4

5 _____)
6 IN RE TESLA, INC.,)
7 SECURITIES LITIGATION)Civil Action No.
8 _____) 3:18-cv-04865-EMC
9 _____)
10
11

12 * C O N F I D E N T I A L *

13
14
15 REMOTE VIDEOTAPED DEPOSITION OF DANIEL FISCHEL

16 Monday, March 28, 2022

17 Chicago, Illinois

18

19

20

21

22

23 Reported By: TRICIA J. LATHOURIS, CSR, RPR

24 JOB NO. 208865

25

1 A P P E A R A N C E S :

2 (All counsel appearing remotely.)

3

4 Levi & Korsinsky, LLP

5 BY: NICHOLAS PORRITT, ESQ

6 ALEXANDER KROT, ESQ.

7 PAMELA HUNTER, ESQ.

8 1101 30th Street NW

9 Washington, DC 20007

10 APPEARED ON BEHALF OF THE PLAINTIFFS;

11

12

13

14 Quinn Emanuel Urquhart & Sullivan, LLP

15 BY: JESSE BERNSTEIN, ESQ.

16 ANDREW ROSSMAN, ESQ.

17 51 Madison Avenue

18 New York, New York 10010

19 APPEARED ON BEHALF OF THE DEFENDANTS.

20

21

22

23

24 Also Present: Phil Rizzuti, Videographer

25

1 THE VIDEOGRAPHER: Good morning, Counsel. My
2 name is Phil Rizzuti. I am a legal videographer in
3 association with TSG Reporting, Inc.

4 Due to the severity of the COVID-19 and
5 following the practice of social distancing, I will
6 not be in the same room with the witness. Instead,
7 I will record this videotaped deposition remotely.
8 The reporter, Tricia Lathouris, also will not be in
9 the same room and will swear the witness remotely.

10 Do all parties stipulate to the validity of
11 this video recording and remote swearing, and that
12 it will be admissible in the courtroom as if it had
13 been taken following Rule 30 of the Federal Rules of
14 Civil Procedure and the State's rules where this
15 case is pending?

16 MR. PORRITT: Yes.

17 MR. BERNSTEIN: Yes, on behalf of defendants.

18 THE VIDEOGRAPHER: Thank you.

19 This is the start of media labeled Number One
20 of the video recorded deposition of Mr. Daniel
21 Fischel in the matter of In Re: Tesla, Inc.
22 Securities Litigation, in The United States District
23 Court for the Northern District of California, San
24 Francisco Division, Civil Action No. 3:18-CV-04865.

25 This deposition is being held on March 28,

1 2022 at approximately 10:05 AM. My name is Phil
2 Rizzuti. I am the legal video specialist from TSG
3 Reporting, Inc. The court reporter is Tricia
4 Lathouris in association with TSG Reporting.

5 Counsel's appearances have already been
6 noted on the record by the court reporter.

7 Will the court reporter please swear in the
8 witness.

9 D A N I E L F I S C H E L,
10 called as a witness, having been first duly sworn by
11 a Notary Public, was examined and testified as
12 follows:

13 EXAMINATION

14 BY MR. PORRITT:

15 Q Good morning, Mr. Fischel. As you may have
16 heard --

17 A Good morning.

18 Q -- my name is Nick Porritt. I'm one of the
19 attorneys representing the plaintiff and the class
20 in this matter. Just some quick housekeeping before
21 we start.

22 So is it correct that you've been retained
23 as an expert by defendants in this case?

24 A Yes.

25 Q And you have been asked and have submitted

**DEPOSITION TESTIMONY
FILED UNDER SEAL**

1 STATE OF ILLINOIS)

2 COUNTY OF C O O K)

3

4 I, TRICIA J. LATHOURIS, Certified
5 Shorthand Reporter No. 084-004472 in and for the
6 State of Illinois, do hereby certify that previous
7 to the commencement of the examination, said witness
8 was duly sworn by me to testify the truth; that the
9 said deposition was taken at the time and place
10 aforesaid; that the testimony given by said witness
11 was reduced to writing by means of shorthand and
12 thereafter transcribed into typewritten form; and
13 that the foregoing is a true, correct and complete
14 transcript of my shorthand notes so taken as
15 aforesaid.

16 I further certify that there were present
17 at the taking of the said deposition the persons and
18 parties as indicated on the appearance page made a
19 part of this deposition.

20 I further certify that I am not counsel
21 for nor in anyway related to any of the parties to
22 this action, nor am I in anyway interested in the
23 outcome thereof.

24

25

1 I further certify that this certificate
2 applies to the original signed IN BLUE and certified
3 transcripts only. I assume no responsibility for
4 the accuracy of any reproduced copies not made under
5 my control or direction.

6 Dated: March 30, 2022

Tricia Lathouris

7

8 TRICIA J. LATHOURIS, CSR, RPR

9

10 My Commission Expires:

11 March 8, 2023

12

13

14

15

16

17

18

19

20

21

22

23

24

25